

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: FREDERICK WILLIAM BARKER, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Frederick William Barker, M.D. ("Dr. Barker") freely and voluntarily enter into the following Consent Order pursuant to W. Va. Code § 30-3-1, et seq.

FINDINGS OF FACT

1. Dr. Barker held License Number 15881 in the State of West Virginia, which license expired on June 30, 2008, and Dr. Barker's address of record with the Board is in Union, South Carolina.
2. In January 2011, the Board received from Dr. Barker an application for reactivation of the license to practice medicine and surgery in the State of West Virginia, and in the course of submitting documents in support of such licensure, it became evident that Dr. Barker had provided false information on his license renewal applications submitted on June 4, 2002, May 20, 2004, and June 22, 2006, when three (3) times he attested that he had completed the mandatory two (2) hours of continuing medical education coursework in the subject of end-of-life care including pain management.
3. Dr. Barker has provided documentation of completion of two (2) hours of continuing medical education in end-of-life care and pain management on January 21, 2011, but

is unable to provide satisfactory documentation of a course in end-of-life care including pain management during the requisite time periods.

4. Dr. Barker meets the requirements for active licensure under the West Virginia Medical Practice Act, as he acquired continuing education hours in end-of-life care including pain management in 2011, but for him to receive reactivation of his license without an appropriate condition and limitation upon his active license, under all the circumstances of this case, could adversely affect the health and welfare of patients.

CONCLUSIONS OF LAW

1. Probable cause exists to deny Dr. Barker reactivation of a license to practice medicine and surgery in this State due to the provisions of W. Va. Code §30-3-14(c)(17) and 11 CSR 1A 12.1(a) relating to presenting a false statement in connection with a renewal application.

2. The Board determined under all the circumstances it is appropriate to grant Dr. Barker reactivation of a license to practice medicine and surgery in the State of West Virginia provided he agrees to this action against the license.

CONSENT

Frederick William Barker, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order, to the following:

1. Dr. Barker acknowledges that he is fully aware that, without his consent here given, no permanent legal action may be taken against him except after a public hearing held in accordance with W. Va. Code § 30-3-14(h) and § 29A-5-1, et seq.;

2. Dr. Barker further acknowledges that he has the following rights, among others: the right to a formal public hearing before the Board, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, the right to cross-examine witnesses against him, and the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to him;

3. Dr. Barker waives all such rights;

4. Dr. Barker consents to the entry of this Order relative to his practice of medicine in the State of West Virginia; and

5. Dr. Barker understands that this Order is considered public information.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Barker, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Dr. Barker is granted reactivation of his expired license to practice medicine and surgery in the State of West Virginia, License Number 15881, effective upon date of entry of this Consent Order.


2. Dr. Barker shall pay three-hundred dollars (\$300) for providing false information to the Board on his application submitted to the Board, as set forth in the Findings of Fact in this Consent Order.


3. On or before April 15, 2011, Dr. Barker shall pay to the Board three hundred dollars (\$300), two hundred dollars (\$200) of which is designated a fine for his deficiency of two (2) hours of continuing education in end-of-life care including pain management during the required period, one hundred dollars (\$100) of which is designated administrative costs, the receipt of which three hundred dollars (\$300) is acknowledged by the signatures of the President and Secretary hereon.

The foregoing Consent Order was entered this 28th day of March, 2011.

WEST VIRGINIA BOARD OF MEDICINE


Reverend O. Richard Bowyer
President


Catherine Slemp, M.D., M.P.H.
Secretary


Frederick William Barker, M.D.

Date: 3/21/11

STATE OF South Carolina

COUNTY OF Spartanburg

I, Mary Lastovica, a Notary Public for said county and state
do hereby certify that Frederick William Barker, M.D., whose name is signed on the previous
page, has this day acknowledged the same before me.

Given under my hand this 21ST day of March, 2011.

My commission expires My Commission Expires January 22, 2018.

Mary Lastovica
Notary Public

